

Amendment No. 1 to HB3109

Coleman
Signature of Sponsor

FILED
Date _____
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Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 3356

House Bill No. 3109*

By deleting all language following the enacting clause and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 62, Chapter 6, Part 5, is amended by adding the following as a new section thereto:

62-6-522.

(a) It is an offense for any person who receives money for the purpose of obtaining or paying for services, labor, materials or equipment and knowingly fails to apply such money for such purpose by either knowingly failing to complete the improvements for which funds were provided or knowingly failing to pay for services, labor, materials or equipment provided incident to such construction, and wrongfully diverts the funds to a use other than that for which the funds were received.

(b) A violation of this section shall be punished as theft as provided in § 39-14-103, and graded as provided in § 39-14-105, according to the value of the services, labor, materials or equipment for which the victim paid minus the value of the services, labor, materials or equipment actually provided.

SECTION 2. Tennessee Code Annotated, Section 62-6-502, is amended by adding the following language as a new subsection (c):

(c) Any violation of this part constitutes a violation of the Tennessee Consumer Protection Act of 1977, compiled in title 47, chapter 18, part 1. For the purpose of application of the Tennessee Consumer Protection Act, any violation of the provisions of this part shall be construed to constitute an unfair or deceptive act or practice affecting the conduct, trade or commerce and subject to

all sanctions, penalties and remedies provided in that act, including attorneys' fees and costs.

SECTION 3. This act shall take effect July 1, 2008, the public welfare requiring it.